



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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September 2, 1992

Mr. Wayne Hartwick (HSRL-6J)
Waste Management Division
Office of Superfund
IL/IN Remedial Response Section
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Hartwick:

Re: Response to Comment #5
referring to the State of
Indiana Statute regarding PCB
Incineration

The Comment #5 states:

"Further, the State of Indiana has enacted a statute banning the incineration of PCBs. When selecting a remedial action, the Agency is mandated by CERCLA/SARA and the NCP to choose a plan which complies with ARARs. Alternative #6b calls for the low temperature treatment, a form of incineration, of PCBs found at the Site. Incineration of the PCBs as called for in Alternative 6b would violate Indiana's prohibition against incinerating PCBs and therefore may not properly be selected."

Response:

The Indiana Department of Environmental Management (IDEM) assumes that this comment refers to:

I. IC 13-7-8.5-11 which states that a permit may not be issued for the construction or operation of an incinerator for the destruction of PCB and operated as a hazardous waste facility if the incinerator:

- 1) burns or will burn municipal waste to fuel the incineration process; and
- 2) is or will be in a solid waste management district.

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II. IC 13-7-16.5-9 which states that a person may not incinerate PCB in an incinerator unless the person holds a permit issued by the commissioner specifically authorizing the incineration of PCB in the incinerator.

The commissioner may not:

- 1) issue; or
- 2) consider an application for; a permit specifically authorizing the incineration of PCB until the study required is concluded.

This study; however, must include an assessment of the efficiency and the technical and economic feasibility of alternative technologies such as the low temperature thermal desorption process.

Accordingly, the statement that the State of Indiana has a statute banning the Incineration of PCBs is not correct.

Low temperature thermal treatment (LTTT), a part of the recommended remedy for the American Chemical Services (ACS) Superfund site, is not considered an incineration process. LTTT is actually one of the alternative technologies which should be considered versus incineration according to the statute. Consequently, the proposed remedy for the ACS Superfund site would not violate Indiana law.

If you have further questions regarding IDEM's response, please contact me at 317/243-5053 or Gabriele Hauer at 317/243-5188.

Very truly yours,



Pat Carrasquero, Chief
Superfund Section
Office of Environmental Response

GH/cd